

From: Renee DeShazo
To: Emanuel, Melenee
Date: 8/22/02 5:46PM
Subject: Region 4 303(d) Response to Comments

Melenee,

Attached please find supporting information for your response to comments document. Some of these responses may change once management here has reviewed them, but they are our draft responses at this point. Also, we are still re-evaluating some data for Santa Clara River Reach 8, and may not have that done until sometime next week.

Changes to Recommendations:

- San Jose Creek R2 - pH - do not list
- San Jose Creek R2 - algae - delist
- McGrath Beach - beach closures - do not list
- Mandalay Beach - beach closures - do not list
- Pico-Kenter Drain - delist
- Ashland Ave. Drain - delist

There are other changes particularly for Calleguas Creek due to the changes in reach definitions between 1998 and 2002, which are not summarized here but are included in the attached document.

I am on vacation starting tomorrow, so am leaving Tracy in charge as the point person for 303(d). However, I suggest you try contacting individual staff members directly with your questions when possible. Below is a list of staff involved in specific areas of our 303(d) listing process:

Tracy Vergets - Ventura River, bioassessment, sedimentation listings, assessment methodology

Michael Lyons - All tissue, sediment, sediment toxicity and benthic infauna listings

Shirley Birosik - All water column toxicity listings

Ginachi Amah - Ballona Creek, Marina del Rey, and Los Angeles River watersheds

Rod Collins - San Gabriel River and Malibu Creek watersheds

Lisa Carlson - Ventura County beaches, Calleguas Creek watershed

Elizabeth Erickson - Santa Clara River watershed

I will be back on September 5th.

Regards,
Renee

Renee DeShazo
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The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.

***For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html> ***

CC: Craig J. Wilson; Jonathan Bishop; Michael Lauffer; Tracy Vergets

Proposed Changes to CWA Section 303(d) List for the Los Angeles Region
Supporting Information for Public Comments Submitted to the State Water Resources Control Board
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ID	No.	Commentor	Date	Comment	Response
No ID	3	City of Los Angeles	5/16/02	The City Requests that SWRCB de-list from Los Angeles River Reach 6 the organic compounds dichloroethylene, tetrachloroethylene, and trichloroethylene due to the removal of the use of MUN criteria for all waterbodies asterisked as having a potential MUN beneficial use in the Basin Plan.	Los Angeles River Reach 6 has a GWR (groundwater recharge) use designation. Since all groundwater is designated MUN, this reach is subject to the MCL standards set forth in Section 64444 of Title 22 of the California Code of Regulations. The organic compounds dichloroethylene, tetrachloroethylene, and trichloroethylene occurred at levels exceeding the MCLs during the 1996 assessment. Therefore the listing should not be removed
No ID	5	City of Los Angeles	5/16/02	Recommend that listings carried over from the 1998 listing with no identified pollutant (e.g. Los Angeles River listings for scum, odor, foam) be removed from the list or alternatively placed on a watch list for further data gathering to determine whether source of impairment is pollution or pollutants, and to identify those problems.	These listings were based on observations of water quality conditions in the waters of concern, and subsequent determinations that narrative water quality objectives were violated and/or beneficial uses were impaired – two components of water quality standards. Documentation of improved conditions will be required in order for these listings to be removed.
No ID	9	City of Los Angeles	5/16/02	A more specific location description of “Ballona Creek to Estuary” should be used along with identification of the impaired beneficial uses as designated by the Basin Plan.	Ballona Creek to Estuary is the segment of Ballona Creek that falls within the hydrologic unit 405.13 (see Table 2-1 of the Basin Plan). It begins where the Creek crosses Rodeo Road (Thomas Guide 672-J1) and ends where the creek meets the estuary at Centinela Avenue (Thomas Guide 672-E6). The beneficial uses affected by each impairing pollutant are provided on each fact sheet; however, EPA does not require these beneficial uses to be listed on the final 303(d) list.
No ID	1	City of Los Angeles Bureau of Sanitation	5/16/02	Fact sheets are needed for all listings for all water bodies.	[State Board policy decision]
No	2	City of Los Angeles	5/16/02	The 1998 303(d) list does not show the	Beneficial uses were identified for all proposed additions

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ID	No.	Commentor	Date	Comment	Response
ID		Bureau of Sanitation		beneficial uses for some water bodies. The RWQCBs should make every effort to associate each pollutant on the 303(d) list with a beneficial use.	or deletions from the list in 2002. The State Board's GeoWBS system identifies beneficial uses for previous listing decisions.
No ID	4	City of Los Angeles Bureau of Sanitation	5/16/02	There are several waters listed for algae or as "eutrophic." Listings should not be based on symptoms. Water bodies should not be listed on the 303(d) list for pollution; such water bodies should be separately categorized in the 305(b) report or in a watch list.	Listing of waters as impaired due to algae or eutrophication is appropriate, since algae and eutrophication adversely affect beneficial uses, which are a key component of water quality standards.
No ID	6	City of Los Angeles Bureau of Sanitation	5/16/02	Not all water bodies listed in the 1998 list because of elevated data levels were recommended for de-listing (e.g., LA Harbor Inner Breakwater and Fish Harbor for tributyltin).	Region 4 has tried to remove all impairments listed solely due to elevated data levels (EDLs). For the two examples cited (i.e., listings for tributyltin for Los Angeles Harbor and Fish Harbor), exceedances of EDLs were not cited as the reason for the listings.
No ID	7	City of Los Angeles Bureau of Sanitation	5/16/02	In State Board's Summary of Recommendations (page 4-12), the reason for delisting ChemA for the Los Angeles River Reach 5 is indicated as being based on an old NAS guideline which no longer represents a valid assessment guideline. However, the Regional Board's December 13 th staff report indicated that the concentration of ChemA does not exceed NAS guidelines, which the City believes is the correct rationale for de-listing.	The City is correct. The listing for ChemA was based on 1992 data; however, the observed concentration for ChemA was 57.5 parts per billion, which is below the threshold for impairment of 100 parts per billion. Since this ChemA concentration does not exceed NAS guidelines, it was recommended for delisting.

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No ID	8	City of Los Angeles Bureau of Sanitation	5/16/02	The City believes that enclosed storm drains such as Pico Kenter Drain are not waters of the U.S., and as such, should not be listed as impaired.	Region 4 agrees and recommends de-listing Pico-Kenter Drain and Ashland Ave. Drain, since they are fully enclosed, underground storm drains.
No ID	10	City of Los Angeles Bureau of Sanitation	5/16/02	Some raw data used for the 2002 listings was misidentified. For example, the data identified as "Tujunga Wash", "Verdugo Wash", and "Aliso Creek" are actually data from the Los Angeles River near these tributaries.	The data being referred to is contained in a file titled "Los Angeles River Chemistry (or Bacteriology) raw data". The worksheets of concern, within this file, represent data from the Los Angeles River near "Tujunga Wash", "Verdugo Wash", and "Aliso Creek" respectively.
No ID	11	City of Los Angeles Bureau of Sanitation	5/16/02	<p>Typographical errors and unresolved items of confusion in Volume 1 pp. Priorities 9 an 18:</p> <p>The description of Arroyo Seco Reach 2 is "Figueroa St. to Riverside Drive." This is incorrect, Reach 2 should be "Los Angeles River to West Holly Avenue"</p> <p>Reach 3 of the Los Angeles River is stated as being from "Figueroa St. to Riverside Drive". The reach has a size of 0 miles because Figueroa St. crosses LAR and immediately becomes Riverside Drive.</p> <p>Reach 4 of the Los Angeles River is stated as being from "Sepulveda Drive to Sepulveda Dam." There is no Sepulveda Drive in Los Angeles County.</p>	<p>Arroyo Secco Reach 2 is from "West Holly Avenue to Devils Gate Dam". The description provided by the City is for Arroyo Seco Reach 1.</p> <p>Reach 3 of the Los Angeles River is from "Figueroa Street (Thomas Guide 594-H7) to Riverside Drive (Thomas Guide 564-A3).</p> <p>Reach 4 of the Los Angeles River is from Riverside Drive (Thomas Guide 564-A3) to Sepulveda Dam (Thomas Guide 561-G2).</p>

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ID	No.	Commentor	Date	Comment	Response
No ID	1	City of Oxnard	5/16/02	The City requests delisting Mandalay Beach, as it has had no beach closures in the last 3 years.	In light of the new data, the Regional Board notes that the beach is no longer impaired for beach closures and recommends delisting Mandalay Beach for beach closures.
No ID	2	City of Oxnard	5/16/02	The City requests delisting McGrath Beach, as it has had no beach closures in the last 3 years.	In light of the new data, the Regional Board notes that the beach is no longer impaired for beach closures and recommends delisting McGrath Beach for beach closures.
No ID	3	City of Oxnard	5/16/02	Data for fecal coliform demonstrate beach no water quality problem for McGrath and Mandalay Beaches, so time would be better spent on high priority problem areas.	McGrath and Mandalay Beaches are not listed for fecal coliform. McGrath is listed for "coliforms" and is recommended for continued listing for total coliforms in the 2002 303(d) list. New data has been reviewed and shows that McGrath is still impaired for total coliform. The Consent Decree requires that TMDL Analytical Unit 23 be completed by 2003.
No ID	4	City of Oxnard	5/16/02	Areas that are proposed for inclusion in the 303(d) process for exceedances of single parameter pathogen indicators should be placed on the proposed watch list.	Each bacterial indicator (total and fecal coliform) has numeric water quality objectives in the California Ocean Plan. Therefore, an exceedance of objectives for either of the indicators is appropriately used to make a finding of water quality impairment.
	1	City of San Buenaventura	5/16/02	The City does not believe that beach posting information, as used by the Regional Board, is an appropriate basis for listing beaches on the 303(d) list. Based on this analysis, the City recommends that Peninsula Beach and	Beach postings indicate a loss in the REC-1 (Water Contact Recreation) beneficial use. Beneficial uses are a key component of water quality standards. Therefore, excessive beach postings (>10% of days per year) indicate an impairment of water quality standards.

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				Surfer's Point Beach be put on the watch list for further evaluation and beach postings alone be reevaluated as a basis for listing beaches on the 303 (d) list.	
	2	City of San Buenaventura	5/16/02	On San Buenaventura Beach, only two of the sampling locations account for 75% of the total coliform exceedances. It appears that there may be some specific activities occurring in this part of the beach or attributes about those sampling locations that are resulting in higher total coliform counts. The City requests that only the section of San Buenaventura Beach that is exceeding standards be listed on the 303(d) list, rather than the entire beach.	Sites are investigated individually for sources of contamination when a TMDL is developed for an impaired site. This beach will be investigated in that manner, and those specific activities will be addressed at that time. San Buenaventura Beach will remain listed, but the fact sheet will be updated to show that most of the exceedances came from two sampling locations.
	3	City of San Buenaventura	5/16/02	(T)he City requests that the State Board address the concept of wet weather exceedances of standards versus dry weather exceedances.	Seasonality and critical conditions are addressed in each TMDL..
	4	City of San Buenaventura	5/16/02	(T)he City requests that the data for Seaside Park and San Buenaventura Beaches be closely evaluated in the future to ensure that the listings are still appropriate after more data are collected.	These sites will be re-evaluated during the next 303(d) listing cycle if sufficient data are provided. The Regional Board will review the data again at that time.
	5	City of San Buenaventura	5/16/02	The City requests that, after the analysis of the data presented above, if City beaches remain on the list, that those remaining be identified as a	In some cases, sites are considered individually in the TMDL for both the source analysis and the implementation plan, despite being in a single analytical

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				separate analytical unit from the other beaches. These beaches should be clearly scheduled for TMDL completion in 2014, as presently presented in Table 4-2 of the Staff Report from the Regional Board.	unit.
	6	City of San Buenaventura	5/16/02	The individual compounds of Chema should be listed as appropriate based on accepted MTRs rather than maintaining Chema listings based on an outdated NAS guideline.	MTRs are not equivalent to NAS guidelines. MTRs are objectives developed to protect human health from consumption of fish or shellfish that contain substances at levels which could result in significant human health problems. NAS guidelines were developed to protect the organisms that contain the toxic substances, as well as the species that consume these contaminated organisms. Though these guidelines have not been updated recently, they represent the best available guidelines for organism protection and predator risk protection. Therefore, Chema listings are maintained absent new data showing attainment of the guidelines.
	1	City of Thousand Oaks	5/13/02	Submission of new data for Dissolved Oxygen in Calleguas Creek Reach 13. The City believes the data do not show impairment.	Although eight data points were submitted, only one was new. The Regional Board now has eight data points for this period. A minimum of 10 data points are required for calculation.
	2	City of Thousand Oaks	5/13/02	Submission of new ammonia data for Calleguas Creek Reaches 12 and 13. The City believes that the data do not show impairment.	The ammonia standard is a function of the temperature and pH of a sample at the time of sampling. No temperature was submitted with the new data, therefore, it could not be evaluated.
	3	City of Thousand Oaks	5/13/02	We request that State Board investigate the listing of Conejo Creek Reach 1, Calleguas Creek Reach 13 for chlordane (tissue), dieldrin (tissue),	The Regional Board has determined that this listing is incorrect and should apply to Calleguas Creek Reach 9A.

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				HCH (tissue), and PCBs (tissue).	
	4	City of Thousand Oaks	5/13/02	It is unreasonable to continue to rely on the outdated summation of pesticides (as represented by the NAS guideline for Chema).	NAS guidelines were developed to protect the organisms that contain the toxic substances, as well as the species that consume these contaminated organisms. The NAS guideline for Chema is not replaced by the individual MTRLs, which are geared toward human health protection. Though the NAS guidelines have not been updated recently, they represent the best available guidelines for organism protection and predator risk protection. Therefore, Chema listings are maintained absent new data showing attainment of the guidelines.
No #		Defend The Bay	6/14/02		[All State Board or other Regional Board issues]
	1	ExxonMobil	5/15/02	We recommend that the State Board review past practices and determine whether appropriate sampling and analytical techniques were used in generating the ambient metals data used for the 1998 listing of Dominguez Channel Estuary. If appropriate techniques were not used, we believe that copper should be included on the watch list. In addition, we recommend a comprehensive review of the 1998 listing basis, including but not limited to, the Dominguez Channel sediment and tissue data for lead and zinc.	Absent new data, water bodies are not being re-evaluated.
		LACSD		Reach 6 (EPA reach 8) should be delisted for DO based on new data.	Individual data points were not submitted and the averages presented cannot be evaluated to confirm delisting.

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		LACSD		Reach 6 (EPA reach 8) should be delisted for nitrate-nitrite as nitrogen based on new data.	The new data set covers only a portion of the assessment period (1999-2001). Regional Board staff will try to gather receiving water monitoring data for previous years to include in the analysis. It should also be noted that some submitted data was incorrectly attributed to this reach, while it was collected in the adjacent downstream reach; therefore, it will not be included in the re-analysis for this reach. Although the discharger claims that the ammonia specific objective in the Basin Plan will require compliance with the ammonia objective by 2003, this requirement will not address nitrate, DO or organic enrichment objectives.
		Larry Walker Associates	5/16/02	In 1996, Conejo Creek consisted of 1 reach and dissolved oxygen levels below the Basin Plan criteria were found at one sample location on the Arroyo Conejo Creek near the confluence w/ the Arroyo Santa Rosa....Therefore all Conejo Creek reaches should be delisted.	The data in the 1996 WQA assessed data from what are now described as several reaches in the Conejo Creek area of Calleguas Creek. The sampling point that was found to be impaired was in what is now Calleguas Creek Reach 10. The data now show that this reach is not impaired, as do the data for Reaches 9A and 11. As Reach 9B is a tributary for Reach 9A, and Reaches 12 and 13 are tributaries for Reach 10, and none of these reaches had previous data showing impairment, they will be recommended for delisting.
		Larry Walker Associates	5/16/02	Basin Plan objectives for TDS, Sulfate, Chloride, Boron, Nitrogen, and SAR had a footnote removed in 1994 that stated that the objectives at each station is of the weighted annual average. LWA requests that the water quality data be reevaluated based on flow-weighted	This footnote was removed in 1994, and therefore is no longer applicable.

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				annual average.	
		Larry Walker Associates	5/16/02	Water column testing for metals no longer supported by data. LWA requests that Mugu Lagoon and Revolon Slough be removed from the list for mercury, zinc, and selenium using the 7 or fewer data points for each site/metal combination.	Site/pollutant combinations with fewer than 10 samples were not analyzed for chemical or biological parameters.
		Larry Walker Associates	5/16/02	Additional fish tissue delistings requested: Beardsley Channel (Reach 5) – dachthal (tissue and sediment) and chloropyrifos; Revolon Slough (Reach 4) – dachthal (tissue and sediment) and chloropyrifos; Conejo Ck Reaches 2 and 4 – DDT, endosulfan, toxaphene, ChemA; Calleguas Ck Reach 1 – chlordane, DDT, endosulfan, toxaphene, PCBs, and ChemA; Beardsley Channel – chlordane, DDT, dieldrin, endosulfan, toxaphene, and PCBs; Mugu Drain – chlordane, DDT and toxaphene.	The Regional Board has determined that Beardsley Channel (Calleguas Creek Reach 5) should not be listed as impaired, since no sediment or tissue data has been collected within that reach. Revolon Slough should be delisted for dachthal and chloropyrifos, since these listings were based on EDLs, which are not linked to impairments and should not be used for listing assessments. The Calleguas Creek and Mugu Drain listings appear to be justified based on existing data. We have retained listings for Calleguas Creek Reaches 9A and 10 (which appears to include the previously designated Conejo Creek Reach 2), based on sampling stations within these segments. The previously designated Conejo Creek Reach 4 is now within Calleguas Creek Reach 13 and should not be listed, since no sampling station falls in that segment.
		Larry Walker Associates	5/16/02	Delist Conejo Creek Reach 3 for toxaphene and Mugu Lagoon for DDT because existing data do not appear to exceed the criteria used for listing.	The Regional Board has determined that Mugu Lagoon listing for DDT is justified based on existing data. Conejo Creek Reach 3 is a previous designation, which has been incorporated into Calleguas Creek Reach 10 and 13; Reach 10 should be listed for toxaphene based on existing data, but reach 13 should not be listed, since no sampling has been conducted in that segment.

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		Larry Walker Associates	5/16/02	We believe State Board should be consistent and delist all of the proposed ChemA tissue listings.	The Regional Board has chosen to retain Chem A listings for assessment of aquatic life impairments, since the NAS guidelines are the best available criteria that pertain to whole body fish sample analyses and protection of organisms and predators consuming those organisms.
		Larry Walker Associates (LWA)	5/16/02	The reaches in Calleguas Creek were changed between 1998 and 2002. The location of the sampling stations that were used to develop the (1998) list were not revisited to determine if the impairment applied to all of the new reaches.	1998 data were not reviewed in detail as part of the 2002 303 (d) assessment.
No ID	1	Las Virgenes Municipal Water District	4/26/02	We concur with the placement of selenium on the State's 303(d) Watch List, not only due to shortcomings in the supporting data, but also because it is unclear whether this impairment is due to a pollutant.	[State Board Policy decision; see Region 4 letter to State Board re. this listing.]
No ID	2	Las Virgenes Municipal Water District	4/26/02	We strongly support the decision to place Cold Creek on the State's Watch List for algae.	[State Board policy decision; see Region 4 letter regarding this listing.]
No ID	3	Las Virgenes Municipal Water District	4/26/02	We request that algae listings for this watershed be placed on the State's Watch List until the causes of nuisance algal growth in the watershed are better understood.	Per CWA section 303(d), the objective of the 303(d) list is to identify water bodies not attaining water quality standards based on data review. The data reviewed supports the listing, and thus placement on the Watch List is not justified.
No	4	Las Virgenes Municipal	4/26/02	At a minimum the 303(d) list for this impairment in the Malibu Creek should	The scope Water Quality Assessment does not include identifying critical conditions or limiting factors of

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ID		Water District		acknowledge its strongly seasonal character and the importance of factors such as light (absence of shade), temperature and water velocity.	impairments – these issues are dealt with in a TMDL.
No ID	5	Las Virgenes Municipal Water District	4/26/02	There is abundant evidence that neither surface waters nor ground waters meet the Basin Plan objectives for sulfate or TDS.	The data submitted during the data solicitation and reviewed for Malibu Creek indicates that TDS and sulfate are below the Basin Plan thresholds. The scope of the review did not include groundwater. Thus, it is not justified to place sulfate and TDS on the State Watch List.
No ID	6	Las Virgenes Municipal Water District	4/26/02	It is unclear what data the Regional Board relied upon in its determination that Malibu Lagoon exceeds the Basin Plan objective for pH.	Data from LVMWD and RWQCB was included in the pH assessment for the Lagoon.
No ID	8	Las Virgenes Municipal Water District	4/26/02	Our twice monthly record from this station (R11) since January 2000 shows pH exceeded the Basin Plan objective of 8.5 in 5 of 60 samples, or about 8% of samples.	The pH data reviewed from LVMWD had a date range of July 1997 through November 1999. Data after this time period was not submitted to the RWQCB for the Water Quality Assessment.
No ID	8	Las Virgenes Municipal Water District	4/26/02	The district has only one station in Malibu Lagoon, Station R11.	The data review for the Lagoon included data collected at station R4. This station, while not in the estuary, is considered to be located in the lagoon subwatershed.
No ID	9	Las Virgenes Municipal Water District	4/26/02	We request that the proposed listing be dropped or placed on the State's Watch List pending further information. If this listing proposal is not dropped, we request more specific findings be made linking the proposed exceedances data to data on actual beneficial use	The scope Water Quality Assessment does not include identifying sources or conducting linkage analysis – these issues are dealt with in a TMDL.

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				impairments.	
No ID	11	Las Virgenes Municipal Water District	4/26/02	The study has not been publicly disseminated or peer-reviewed. The work presented clearly highlights the need for further work but we feel this should be on the watch list instead of listed on the 303(d) list. [Note on the first page of the letter they recommend listing this on the 303(d) list and not the watch list.]	The EPA, in a scientifically designed and peer reviewed monitoring program (EMAP), has shown that sedimentation is the most common stressor on stream and rivers in the U.S. Heal the Bay used an EPA approved protocol and EPA analytical tools to show that there is excessive sediment in Malibu Creek. There is no reason not to believe that most of the watershed was then and should be now, in at least as good a condition as the reference site (Cold Creek). This data has also been presented at the CalNeva AFS and the NorCal SETAC conferences, which are regular gatherings of the scientific community.
4.1	7	County Sanitation Districts of Los Angeles County	12/13/01	Ammonia, Nitrate and Nitrite, Nitrite as N, Algae, Toxicity and Organic enrichment/Low DO should be removed from the 303(d) list on the basis of an alternate enforceable program.	See response to 6/14/02 letter.
4.1	1	LACSD	12/13/01	The Districts believe that the minimum requirement of two samples [for tissue, sediment and benthic data] is insufficient in order to determine whether a water body should be listed as impaired.	The Regional Board believes that tissue bioaccumulation data and benthic infaunal data should be given considerable weight as indicators of impairment, since these represent direct biological measurements of impacts. Since a second sample serves to confirm the existence of a significant impact, we chose to establish the minimum sampling requirement at two samples. However, we did not base any listings solely on sediment chemistry data, relying upon a weight of evidence approach in this case (sediment chemistry and sediment toxicity concurrently, or sediment chemistry and tissue concurrently).

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4.1	2	LACSD	12/13/01	It appears that some new listings are based on only one sample, including Dominguez Channel for sediment toxicity, and copper, chlordane and PCBs in sediment.	The Regional Board normally based listings on a minimum of two samples. However, in the case of Dominguez Channel, we compared sediment toxicity and sediment chemistry data from the Henry Ford Bridge station to data from Consolidated Slip stations for the assessment. The Dominguez Channel and Consolidated Slip are hydrologically connected, with the Consolidated Slip immediately downstream of Dominguez Channel.
4.1	3	LACSD	12/13/01	For toxicity listings for Calleguas Creek Reach 1 and 2, San Gabriel River Reach 1 and 3, Coyote Creek, and Walnut Creek no rationale was provided for how numerical toxicity results translated to varying degrees of impairment or non-impairment.	[Shirley Birosik will provide a response.]
4.1	4	LACSD	12/13/01	Regarding abnormal fish histology listings for San Gabriel River Reach 1, San Gabriel River Estuary, and Coyote Creek, no rationale was provided for how the study's findings resulted in impairment.	[Shirley Birosik will provide a response.]
4.1	5	LACSD	12/13/01	If MTRs are used, they should only be used to assess impairment to the commercial and sport fishing beneficial use.	The Regional Board recognizes that MTRs are derived from human health water quality objectives, and have only used these to protect the commercial and sport fishing beneficial use.
4.1	6	LACSD	12/13/01	Several new listings on the basis of exceedances of MTRs were made using tissue data derived from whole body samples (e.g., Conejo Creek	The Regional Board has not applied MTRs to whole body samples.

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				Reach 1 for dieldrin, chlordane, HCH and PCBs). However, MTRLs should only be compared to file or edible tissue samples.	
4.2		City of Burbank	12/20/01	State Board issues	
4.26		LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS	6/12/02	We believe water bodies that are highly likely to be impaired due to natural sources should be placed on the watch list until the source of the pollution is further investigated.	There is no provision in the statute or implementing regulations to allow States to not list a water body because the source of the impairment is natural.
4.26		LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS		Santa Clara River Reach 3 was identified as impaired for nitrite as nitrogen. In our investigation of raw data..., we found that 40 samples that showed non-detected laboratory results were not included in the data assessment. If included, this reach exceeds in only 7% of samples. Therefore, we request that this reach of the Santa Clara River be delisted.	Agree. When Regional Board staff reanalyzed the data set including ND values at ½ the MDL, the reach does not exceed. However, the data indicates the reach should remain listed for nitrate plus nitrite as nitrogen.
4.26	2	Los Angeles County Department of Public Works	6/12/02	The chronic water quality criteria for aquatic life were inappropriately used to determine impairment in concrete lined segments.	Chronic water quality criterion for aquatic life was applied in reaches where the designated beneficial uses include aquatic life. Whether a channel is concrete-lined is not a factor in determining whether to apply the chronic criterion.
4.26	3	Los Angeles County Department of Public Works	6/12/02	We recommend that the State Board re-evaluate San Gabriel River for dissolved zinc and Ballona Creek for dissolved lead and zinc, and place them	The data met the assessment criteria for determining impairment, which are consistent with US EPA's current recommended assessment criteria.

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ID	No.	Commentor	Date	Comment	Response
				on the State's Watch List.	
4.26	4	Los Angeles County Department of Public Works	6/12/02	We recommend that the State Board re-evaluate the portions of Ballona Creek, Malibu Creek, San Jose Creek and Santa Clara River for pH, and place them on the State's Watch List since the causes for abnormal pH are unknown.	Data showed in each case that the Basin Plan numeric objective for pH was not met; therefore, it is fully appropriate to list these water bodies for pH. The sources contributing to the abnormal pH are investigated during the TMDL process.
4.26	5	Los Angeles County Department of Public Works	6/12/02	Metals analysis was based on samples collected during storm events (e.g., Coyote Creek, Malibu Creek, San Gabriel River, Los Angeles River, and Ballona Creek). Considerations should be given to the seasonal variations in water quality.	The available data for each water body/pollutant combination met the minimum data requirements for the assessment period and met the assessment criteria for determining non-attainment of water quality standards. In the event that more representative data is made available, these water bodies will be re-assessed during the next assessment period. The assessment of seasonality and critical conditions for pollutants is addressed during the TMDL process.
4.26	6	Los Angeles County Department of Public Works	6/12/02	We request clarification on how laboratory analytical results below detection limits (non-detects) should be used in water quality data assessment.	In most cases, results below the method detection limit or reporting level were assigned a value of ½ of the MDL or RL. For bacteria data, the lower or upper analytical threshold was used for < or > values, respectively. If results were reported as zero (0), a zero value was used.
4.26	7	LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS		Santa Clara River Reach 3 was identified as impaired for nitrite and nitrate as nitrogen. Non-detected laboratory results were not included in the data assessment. If included, this reach exceeds in only 9.4% of samples. Therefore, we request that this reach of the Santa Clara River be delisted.	When Regional Board staff reanalyzed the data set including ND values at ½ the MDL, the reach still exceeds the objective.

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4.26	8	LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS	6/12/02	We recommend that if the corresponding hardness data are not available, dissolved metals data should be excluded from the water quality assessment until the necessary hardness data is collected.	A value of 400 mg/L hardness is the default value prescribed in the California Toxics Rule.
4.26	9	LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS	6/12/02	We believe the requirement of a minimum of ten data points over a three-year period is inadequate for impairment determinations.	The requirement of a minimum of ten data points over a three-year period is consistent with US EPA's national 305(b) reporting guidance for conducting water quality assessments.
4.26	10	LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS	6/12/02	We believe that more data should be analyzed over a longer period of time to reflect long-term seasonal and hydrologic patterns in water quality.	The requirement of a minimum of ten data points over a three-year period is consistent with US EPA's national 305(b) reporting guidance for conducting water quality assessments.
4.26	11	LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS	6/12/02	The State and Regional Boards should prepare fact sheets for the water bodies in the 303(d) list that are not added or deleted, but have new water quality data and information.	Resource constraints precluded development of detailed fact sheets for all water bodies.
4.26	1	Los Angeles County Department of Public Works (LACDPW)	6/12/02	Dry Canyon Creek is designated for intermittent REC-1 use, notwithstanding that access to some segments of this waterbody is prohibited. Review of data indicates that this waterbody could be removed from the proposed 303(d) list if a more appropriate bacterial objective such as REC-2 were used instead of REC-1.	In order for a new beneficial use to be assigned, the creek would have to undergo a Beneficial Use Attainability Analysis. If a determination is made that the beneficial use is inappropriate, a Basin Plan amendment will be required. This is not part of the 303(d) listing process.

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4.27 4.37		Heal the Bay	6/12/02 6/11/02	Oppose the delisting-on the basis that other alternative programs are available-of the following impaired waters, and recommend that these waters be added to the 303(d) list: LA Harbor-Consolidated Slip, McGrath Lake estuary, Dominguez Channel, Dominguez Channel Estuary.	Region 4 agrees with this comment. [See Region 4 letter to State Board.] There is no guarantee that alternative programs will be able to address the impairments for these water bodies. This is particularly true for the Bay Protection and Toxic Cleanup Program, since no funding has been provided for the cleanup of known toxic hot spots.
4.27		Heal the Bay	6/12/02		Many State Board issues...
4.27	1	Heal the Bay	6/12/02	We encourage the State Board to disregard discharger arguments to "de-designate beneficial uses" as part of the section 303(d) List process.	We agree that the section 303(d) Listing process is not the appropriate process through which to de-designate beneficial uses.
4.27	2	Heal the Bay	6/12/02	"we are pleased that the SWRCB...has determined that the macroinvertebrate data submitted by Heal the Bay in May of 2001 warrants upholding the Regional Board's long overdue recommendation to list Malibu Creek as impaired by excess sediment. The proposed sediment listings in Malibu Creek (and Calleguas Creek) are long overdue. Excess sedimentation has had devastating effects on macroinvertebrate biodiversity and community structure, has resulted in loss of steelhead habitat, and increased siltation of wetland habitat in Mugu Lagoon."	Thank you for your comments and data.

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4.27	3	Heal the Bay	6/12/02	<p>We do not support the watch listing of Calleguas Creek for sediment. Given the available data that clearly demonstrates sedimentation impairment, Calleguas for sediment should be placed on the Section 303(d) List.</p> <p>In both Malibu and Calleguas Creeks, habitat destruction due to excess sediment in runoff has been a chronic problem for years. Sediments cover and fill in the gravel and cobble habitats that are so important to insect communities that sustain aquatic food webs. There has been a significant amount of EPA-EMAP watershed monitoring and assessment demonstrating the sedimentation problem in Malibu Creek and Calleguas."</p>	Regional Board staff discussed this proposed listing with State Board staff and successfully demonstrated that there was enough data to support the listing of Calleguas Creek for sedimentation. Calleguas Creek has been added to the 303(d) list for sedimentation in addition to Malibu Creek, which was originally listed for sedimentation. Thank you for your comments.
4.27	4	Heal the Bay	6/12/02	We do not support the watch listing for Conejo Creek Reach 9B for unnatural foam and scum solely based upon the fact that the pollutant(s) causing the impairments is (are) unknown.	Regional Board staff and State Board staff determined that there was insufficient information to support listing at this time.
4.27	5	Heal the Bay	6/12/02	We do not support the placement of algae in Malibu Creek on the State's Watch List.	[SWRCB Policy Decision]
4.27	6	Heal the Bay	6/12/02	Recommend the State revise its 2002 list to include those impaired waters that	Region 4 agrees with this comment. Dominguez Channel is listed as impaired due to sediment toxicity and should be listed. Sediment concentrations of PCBs,

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4.37			6/11/02	were placed on a watch list and delisted solely based upon the fact that the pollutant(s) causing the impairment is (are) unknown such as Dominguez Channel for sediment toxicity.	chlordane and copper exceeded sediment guidelines (i.e., ERM/PEL guidelines) in the same sample that showed sediment toxicity. Therefore, it is likely that the observed sediment toxicity is associated with these pollutants. As a result, State Board now recommends listing.
4.27	8	Heal the Bay	6/12/02	We oppose the delisting of San Gabriel Estuary for Trash due to the fact that the Los Angeles NPDES municipal Storm Water Permit exists.	Because the NPDES Municipal Storm Water Permit distinguishes between areas with a TMDL for trash and those without a TMDL for trash, and requires additional Best Management Practices (BMPs), in conformance with approved TMDLs, in those areas with a TMDL (Order 01-182, Permit Part 4.F.5(b)), without an approved TMDL for trash, there will not be a requirement to implement the more stringent requirements necessary to eliminate impairments due to trash. Therefore, State Board now recommends that the San Gabriel River Estuary be listed as impaired due to trash.
4.27	9	Heal the Bay		We recommend that, in absence of proof that the Calleguas Creek Arroyo Simi Reach 7 impairment for toxicity is not caused by pollutants, the State place this segment on the section 303(d) list for toxicity.	We agree that Calleguas Creek Arroyo Simi R7 should be listed as impaired for toxicity, rather than put on the watch list, regardless of a specific pollutant or pollutants being shown as the cause. Additional information has been sent to State Board, which indicates that unionized ammonia and diazinon or some other metabolically-active organophosphate pesticide is causing the toxicity seen in fish and invertebrate species tested and further supports the impairment listing.
4.27	10	Heal the Bay	6/12/02	Pleased that certain proposed delistings of impaired waters by the Regional Board (like Ballona Creek for	In discussion with Regional Board staff, Regional Board staff clarified that Region 4 did not recommend delisting waters previously listed for ChemA unless new data

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				Chem A) were considered improper by SWRCB.	indicated that the water body did not exceed the NAS guideline for ChemA. This was an error in State Board's transcription of Region 4's recommendations.
4.27	11	Heal the Bay	6/12/02	<p>“...it is inappropriate to place waters impaired for sediment on a watch list simply to determine whether a sediment impairment is from natural or unnatural sources. Some dischargers inevitably attempt to put waters on a watch list because they want to know exactly what pollutant(s) are causing the impairment. This is illegal and <i>de-facto</i> delisting. <i>The watch lists are not meant to be a holding pen for waters where the sources of the pollution need to be identified. TMDLs, not the Section 303(d) List, are meant to address source issues.</i> ...Even the Integrated Guidance states clearly that if an impairment is caused or suspected to be caused by a pollutant, the water should be listed.”</p>	<p>Regional Board staff discussed this listing with State Board staff and successfully demonstrated that there was enough data to support the listing of Calleguas Creek for sedimentation. Calleguas Creek has been added to the 303(d) list for sedimentation in addition to Malibu Creek, which was originally listed for sedimentation. Thank you for your comments.</p>
4.27 4.37	12	Heal the Bay	6/12/02 6/11/02	<p>Concerned about the 36 water segments proposed for delisting based on elevated data levels (EDLs) in Region 4. Do not believe it is proper in the context of Section 303(d) to delist water segments that were originally based on EDLs unless affirmative information is proffered to show that the water segment is not, in fact, impaired.</p>	<p>State Board staff introduced the “elevated data level” (EDL) concept in 1983 as an internal comparative measure which ranks a given concentration of a particular substance (e.g., DDT) with previous data collected as part of statewide monitoring programs (e.g., Toxic Substances Monitoring Program, State Mussel Watch Program). The EDL is calculated by ranking all of the results for a given chemical from the highest concentration measured down to the lowest and selecting percentile rankings from the cumulative distribution.</p>

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					<p>When used with other information, the EDL can provide a useful guideline to determine if a chemical has been found in unusually high concentrations. However, as State Board has indicated in published TSMP and SMW reports, "the reader is again cautioned that EDLs are not directly related to potentially adverse human or animal health effects; they are only a way to compare findings in a particular area with the larger data base of findings from all over the state".</p> <p>Maximum Tissue Residue Levels (MTRLs) were developed by State Board staff from human health water quality objectives adopted by State or Federal regulatory agencies (e.g., California Toxics Rule). These objectives or criteria represent concentrations in water that protect against consumption of fish, shellfish, and water that contain substances at levels which could result in significant human health problems. MTRLs are used as alert levels or guidelines indicating water bodies with potential human health concerns and are an assessment tool, but not compliance or enforcement criteria. MTRLs are calculated by multiplying the human health water quality objectives by the bioconcentration factor for a given substance (e.g., DDT) recommended by the U.S. Environmental Protection Agency.</p> <p>Since exceedances of MTRLs indicate water bodies with potential human health concerns, Region 4 has relied upon such exceedances as evidence to support listings of water bodies as impaired on the 303(d) list. On the other hand, exceedances of EDLs do not necessarily indicate potential adverse impacts, but simply indicate that the values are high relative to the rest of the values in a particular data set. Unfortunately, some water</p>

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					<p>bodies were listed as impaired in the past due to exceedances of EDL-85 or EDL-95 levels. These water bodies never should have been listed on this basis, since there is no direct link between these EDLs and actual human or animal health effects. Therefore, we have recommended delisting for those waterbodies and pollutants that were based solely on EDL exceedances.</p> <p>The following examples illustrate the problem with relying upon EDLs as evidence of impairment. The EDL-95 for total cadmium in freshwater fish filets (based on the 1994-95 TSMP Report) is <0.01 ppm. However, the calculated MTRL value for cadmium was 28.0 ppm. Hence, even though it might be reasonable to suspect that an exceedance of 95% of the values contained in the data set could be indicative of a water quality problem, the EDL-95 value is far below the calculated MTRL concentration that would cause an impairment. A similar situation existed for cadmium and arsenic.</p> <p>A different pattern was observed for the trace organics. To illustrate this, the EDL-95 for total DDT in freshwater fish filets (again based on the 1994-95 TSMP report) is 2424.4 ppb, while the MTRL is 32.0 ppb. Hence, reliance upon the EDL would not be protective or useful to identify potential water quality problems, since impairments occur at much lower concentrations. A similar situation existed for total chlordane, dieldrin and total PCBs.</p> <p>As the commentor suggested, the Regional Board is relying on sediment concentrations or organism tissue concentrations that exceed known standards that would cause human health impacts or affect aquatic life. Since EDLs do not meet this criterion, we have recommended</p>

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					<p>delisting for contaminants based solely on EDL exceedances, to avoid diverting limited staff resources to complete time-consuming and costly TMDLs in areas where there is no evidence of beneficial use impairments.</p>
4.27 4.37	13	Heal the Bay	6/12/02 6/11/02	<p>Concerned about the delisting of water segments based on either "outdated NAS guideline", "no guideline", or "no defensible guideline".</p>	<p>In the past, few standards were available to evaluate impairments due to elevated sediment or tissue concentrations for most trace metal and trace organic pollutants. Consequently, the Regional Board elected to use several guidelines published by other agencies (such as the Food and Agriculture Organization of the United Nations) or comparison with region-specific background levels and some waterbodies were listed as impaired based on exceedances of these values. However, these guidelines are based on old surveys and have not been updated or gained wide usage (particularly the United Nations' MIS guidelines). Given the uncertainties about the technical validity of such guidelines, we have recommended delisting of the limited number of impairments that were based solely on exceedances of these guidelines.</p> <p>The Regional Board has not recommended delisting water bodies listed as exceeding NAS guidelines, since these guidelines represent the best available science for organism and predator risk protection.</p>
4.28	1	LARWQCB	6/14/02	<p>Submission of new data for McGrath Beach and McGrath Lake for total and fecal coliform.</p>	<p>McGrath Beach has sampling at three locations, numbered by VC/EHD as 26000, 27000, and 28000. With the new data, total coliform at the sites exceeds the standard 17%, 28% and 19%. McGrath Beach will remain on the 303(d) list, but the fact sheet will be updated to show that only one location exceeds the</p>

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					standard. McGrath Lake exceeds the fecal coliform standard of 400 MPN/100 mL and the geometric mean standard of 200 MPN/100 mL, and therefore is impaired, and will remain on the list.
4.28	2	LARWQCB	6/14/02	Surfer's Knoll, in addition to Santa Clara River Estuary Beach, should be shown as proposed for delisting for coliforms.	Surfer's Knoll is another name for the Santa Clara River Estuary, according to the 1998 303(d) list.
4.28	3	LARWQCB	6/14/02	McGrath Lake Estuary should be referred to as just McGrath Lake.	Noted.
4.29	1	LARWQCB	6/14/02	Submission of new data provided by VC/EHD to facilitate removal of Mandalay Beach from 303(d) list as impaired for beach closures.	On the basis of the new data, State Board recommends delisting Mandalay Beach for beach closures.
4.3		Downey, Brand, Seymour & Rohwer	3/8/02	We request that the State Board remove from the proposed 303(d) list any impairments that purport to protect an MUN use for waters identified with an asterisk in Table 2-1 of the LA Basin Plan.	The Regional Board has not proposed any additions to the list based on the MUN use where asterisked in Table 2-1.
4.3		Downey, Brand, Seymour & Rohwer	3/8/02	We request that the State Board remove from the proposed 303(d) list any impairments that rely upon a bioaccumulation narrative criterion.	The requirement for a translator mechanism only relates to the use of the objectives in developing permit effluent limits. It may still be used for impairment determination.
4.3		Downey, Brand, Seymour & Rohwer	3/8/02	We request that the State Board remove from the proposed 303(d) list any impairments that rely upon a	The requirement for a translator mechanism only relates to the use of the objectives in developing permit effluent limits. It may still be used for impairment determination.

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				narrative toxicity objective.	
4.30	1	McGrath State Beach Area Trustee Council	6/13/02	Maintain the current high priority and 2002 start date for the McGrath Lake Pesticide/Sediment TMDLs, while rejecting the recommendation to lower these TMDLs to medium priority and delaying the start of work until 2004.	Regional Board staff are prepared to start on this TMDL as early as 2002, coordinating with the Watershed Committee, but no later than 2004.
4.30	2	McGrath State Beach Area Trustee Council	6/13/02	Schedule the McGrath Lake Fecal Coliform TMDL to coincide with the current watershed process (start date 2002, completion 2004).	Regional Board staff are prepared to start on this TMDL as early as 2002, coordinating with the Watershed Committee, but no later than 2004.
4.31		County Sanitation Districts of Los Angeles County	6/14/02	The Districts request that Coyote Creek, San Gabriel River Reach 1 and Reach 2, and San Jose Creek Reaches 1 and 2, be removed from the 303(d) list as being impaired for algae. The Districts feel there was insufficient information to determine impairment in the original assessment.	No additional data was submitted during the data solicitation period for the 2002 WQA that documents that the beneficial uses are not impaired. Therefore delisting for algae is not justified.
4.31		County Sanitation Districts of Los Angeles County	6/14/02	Based on the information contained in the aesthetic stressor worksheet, it appears that San Jose Creek Reach 2 and San Gabriel River Reach 2 were not assessed, but some how the reaches were still placed on the 303(d) list as impaired.	<p>Although San Jose Creek Reach 1 and Reach 2 were grouped together in 1996 WQA table and listed as impaired for algae, only San Jose Reach 1 was actually assessed for algae according to the Aesthetics Stressor Worksheet. Thus the County Sanitation Districts of Los Angeles County is correct, and reach 2 is recommended for delisting due to an error in extrapolating the listing from Reach 1 to Reach 2.</p> <p>The San Gabriel River is not listed on 1998 303(d) list for algae.</p>

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4.31		County Sanitation Districts of Los Angeles County	6/14/02	The observation worksheets raise several important questions, including what amount of algae constitutes impairment, what beneficial use is impaired, and how the amounts of algae were estimated.	The criteria used for the 1996 WQA was based on a ranking system, which ranked algae as zero to slight (1), moderate (2), and high (3). Rankings of 2 and 3 were considered as not supporting beneficial uses. The second page of the aesthetics stressor worksheet indicates that "not supporting" is greater than 25 percent exceedance. The beneficial use not supported was REC-1.
4.31		County Sanitation Districts of Los Angeles County	6/14/02	Since the causes of the impairments have not been determined, the Districts request that Coyote Creek, San Gabriel Creek Reaches 1 and 2, and San Jose Creeks 1 and 2, be removed from the 303(d) list as being impaired due to algae.	SWRCB Board Policy Decision/pollutant
4.31		County Sanitation Districts of Los Angeles County	6/14/02	We recommend that acute criteria utilized when determining aquatic life impairment for concrete-lined urban channels	See other response to this issue.
4.31		County Sanitation Districts of Los Angeles County	6/14/02	Metals analysis was based on samples collected during storm events. Considerations should be given to the seasonal variations in water quality. It is recommended that these listings be placed on the Watch List.	See response to similar LACDPW comment.
4.31	1	County Sanitation Districts of Los Angeles	6/14/02	Listings of ammonia for Coyote Creek, San Gabriel River Reach 1 and 2, San	SWRCB Board Policy Decision/ammonia only.

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		County		<p>Jose Creek Reach 1 and 2, Santa Clara Reach 7 and 8, and Rio Hondo Reach 1 and 2 should be moved to the Watch List because an alternate enforceable program is in place.</p> <p>San Gabriel River Reach 1 and 3, Walnut Creek and Coyote Creek should be moved to the Watch List for toxicity because an alternate enforceable program is in place.</p> <p>Coyote Creek, San Gabriel River Reach 1, and San Jose Creek Reach 1 and 2 should be moved to the Watch List for algae because an alternate enforceable program is in place.</p>	<p>It is not clear whether reducing ammonia in these water bodies will eliminate the observed toxicity; therefore, the enforceable Basin Plan objectives for ammonia should not be relied upon to address the toxicity impairment.</p> <p>It is not clear whether reducing ammonia in these water bodies will eliminate the excess algae; therefore, the enforceable Basin Plan objectives for ammonia should not be relied upon to address the algae impairment.</p>
4.31	2	County Sanitation Districts of Los Angeles County	6/14/02	<p>Insufficient Data to list San Gabriel River Reach 2 for Cu, Zn.</p> <p>Metals analysis was based on samples collected during storm events.</p>	<p>The metals data for San Gabriel Creek Reach 2 included 27 samples for Cu and 28 samples for Zn. The data set meet the assessment criteria for the minimum number of samples, and therefore we recommend listing for the aforementioned constituents.</p>
4.31	3	County Sanitation Districts of Los Angeles County	6/14/02	<p>Insufficient Data to List Coyote Creek for Cu, Pb, Zn, Se.</p> <p>Metals analysis was based on samples collected during storm events.</p>	<p>The metals data for Coyote Creek included 21 samples for Cu and 27 samples each for Pb, Zn, and Se. The data set meet the assessment criteria for the minimum number of samples, and therefore we recommend listing for the aforementioned constituents.</p>

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4.31	4	County Sanitation Districts of Los Angeles County	6/14/02	Station RC is actually in Reach 1 of San Jose Creek and, therefore, should not have been used to evaluate Reach 2.	We agree with your comment. A correction has been made and the result is that San Jose Creek Reach 2 will be removed from the proposed list as impaired for pH.
4.31	5	County Sanitation Districts of Los Angeles County	6/14/02	Because the cause of the pH exceedance is unknown for San Jose Creek Reach 1, this waterbody should be placed on the Watch List.	The data demonstrate that the Basin Plan numeric objective for pH is exceeded and therefore the water body should be listed consistent with CWA section 303(d).
4.31 4.40	6	County Sanitation Districts of Los Angeles County	6/14/02 6/14/02	Move Santa Monica Bay Offshore and Nearshore Zone listings to watch list, since an alternative enforceable program is in place.	Region 4 does not support the creation of a watch list in lieu of listing waterbodies for impairment, since the criteria for inclusion on such a list were not defined prior to conducting the water quality assessment. We recommend maintaining the existing listings on the 303(d) list since we do not believe that an alternative enforceable program is in place, which would address these impairments satisfactorily.
4.31 4.40	7	County Sanitation Districts of Los Angeles County	6/14/02 6/14/02	Move Coyote Creek, San Gabriel River Estuary and San Gabriel River Reach 1 to watch list, since stressor is unknown, further assessment is needed and no narrative translator exists.	These listings are based on cellular abnormalities observed in fish from these water bodies during a special study performed for the Regional Board. Although we do not know the causative agent for these abnormalities, they are reason for concern and warrant the listing of these waterbodies since the aquatic life beneficial use is impaired. Furthermore, it is not necessary to have a translator to use narrative objectives in conducting water quality assessments.
4.31 4.40	8	County Sanitation Districts of Los Angeles County	6/14/02 6/14/02	Delist San Gabriel River Estuary for arsenic in tissue, since there is no MTRL for this compound.	Region 4 agrees with this comment and we have recommended delisting the San Gabriel River Estuary for arsenic in tissue.

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4.31 4.40	9	County Sanitation Districts of Los Angeles County	6/14/02 6/14/02	Delist Coyote Creek for silver in tissue, since the original listing was based on exceedance of the EDL, which is not a valid assessment guideline.	Region 4 agrees with this comment and we did propose delisting silver in tissue in Coyote Creek.
4.32	1	County of Ventura, Environmental Health Division	4/18/02	Our data indicate that there have been only a few postings along McGrath Beach since 1999. What period of time is the LARWQCB evaluating?	Regional Board staff analyzed data for the period 10/98 to 06/02.
4.32	2	County of Ventura, Environmental Health Division	4/18/02	Our data show that since 1999 only one of our four sampling locations along McGrath and Mandalay Beaches was closed.	State Board thanks the commentor for this information, and now recommends delisting McGrath and Mandalay Beaches for beach closures.
4.33	1	City of Burbank	6/13/02	While we understand that re-examination of every listing included on the 1998 list may not be possible at this time ... we ask that the SWRCB ... consider making changes to the 1998 list where it can be demonstrated that either the water quality standard is now being attained, an alternative enforceable program is in place to address the problem, or that the original basis of the listing was inadequate.	Where new data were submitted for the water body of concern, the Regional Board re-evaluated the previous listings. Absent new data, the 1998 listings are not being re-evaluated. The Regional Board did re-examine previous listings that were based on inappropriate listing criteria, namely the use of Elevated Data Levels.
4.33	2	City of Burbank	6/13/02	Fact sheets are needed for all listings for all water bodies, not just for changes in the list.	Resource limitations precluded developing fact sheets for all water bodies. Documentation of previous listings is provided in the Administrative Records for those listings.
4.33	3	City of Burbank	6/13/02	Pollutants should be identified as stated in 40 CFR §130.7(b)(4). Burbank recommends that such water bodies	The previous listings were based on observations of impaired water quality conditions in the waters of concern, and were included consistent with CWA

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				[with no identified pollutants] be removed from the list, or alternatively placed on a watch list.	section 303(d)(1). Documentation of improved conditions will be required in order for these listings to be removed.
4.33	4	City of Burbank	6/13/02	Data (submitted with comment letter) show attainment of water quality standards for cadmium in Burbank Western Channel. Burbank requests removal of this addition to the 303(d) list.	Data submission only included data spanning two years. Since the water quality standard is based on the number of exceedances over a three-year period, this data cannot be evaluated.
4.34	1	CICWQ	6/6/02	Concerned that the LA Basin Plan contains beneficial use designations and water quality objectives [sic] were formulated with minimal (or no) consideration of the factors listed in section 13241 of Porter-Cologne.	[Legal response]
4.34	2	CICWQ	6/6/02	Consistent with the development of the watch list, we feel it may be appropriate to re-evaluate some of the listings from the 1998 303(d) list to determine if watch status would be appropriate, particularly where use attainability analyses would be appropriate.	[State Board Policy]
4.34	3	CICWQ	6/6/02	The NRC also recommended that "States should develop appropriate use designations for water bodies in advance of assessment and refine these use designations prior to TMDL development...To ensure that designated uses are appropriate, use attainability analysis should be considered for all water bodies before a	State Board Policy

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				TMDL is developed.	
4.34	4	CICWQ	6/6/02	Consistent with the NRC's recommendations and their concern with respect to the subjectivity involved in applying and enforcing narrative standards, it would be more appropriate to use the watch list until a translator to a numeric standard could be developed for the relevant listing.	State Board Policy
4.34	5	CICWQ	6/6/02	The NRC proposed that the 303(d) list be based upon water quality criteria that are clearly defined in terms of frequency, magnitude and duration.	State Board Policy
4.34	6	CICWQ	6/6/02	The SWRCB should require that RWQCBs perform use attainability analyses or equivalent for certain beneficial uses designated in Basin Plans. Beneficial uses...for which UAAs should be considered include (but are not necessarily limited to) the following: MUN, REC-1, REC-2, habitat designations, and all potential beneficial use designations. We recommend "watch list" status until UAAs can be performed.	State Board Policy
4.34	7	CICWQ	6/6/02	We recommend watch list status for listings that are based upon water quality objectives that are applied to conditions for which they were not originally intended (e.g., water quality objectives for bacteria applied to storm	State Board Policy

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				water).	
4.34	8	CICWQ	6/6/02	We recommend watch list status for 303(d) listings based upon narrative standards, at least until a suitable translator to a numeric standard can be developed.	State Board Policy
4.34		Construction Industry Coalition on Water Quality (CICWQ)	6/6/02	Concerned that the basin plans, on which the 303(d) list of impaired water bodies is based, contain water quality standards that were formulated with minimal (or no) consideration of the factors mandated by section 13241 of Porter-Cologne	Legal Response
4.35	1	City of Monrovia	5/13/02	The City recommends that the State Board postpone the application of the TMDL for Monrovia Canyon Creek until updated review of the Creek has been completed.	<p>Monrovia Canyon Creek was assessed in 1996 and determined to have levels of lead exceeding the water quality standard for its "aquatic life" beneficial use. In order for a water body to be delisted, recent water quality data spanning a minimum of three years has to be collected and analyzed to confirm that the water quality standard has been attained. No new data were submitted for Monrovia Canyon Creek.</p> <p>Since that time, a Consent Decree was established, which sets a schedule for TMDL development in the LA Region and establishes deadlines for completion of specific TMDLs. Monrovia Canyon Creek is included in TMDL Analytical Unit 13 and scheduled for completion in 2004. The first step of a TMDL is to evaluate the water quality impairment that lead to the listing.</p>
4.36	1	Chevron	6/11/02	Chevron opposes the Regional Board's recommendation to carry-over the 1998 listings in the Santa Monica Bay for	Santa Monica Bay was originally listed in 1996. The documentation in the 1998 Administrative Record does

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				incorporation into the 2002 submittal to EPA. Instead, we believe it is more appropriate to either de-list the Bay based upon the documentation in the 1998 administrative record, or list smaller discrete areas within the bay that meet the established impairment criteria.	not support delisting Santa Monica Bay.
4.36	2	Chevron	6/11/02	The Santa Monica Bay is too large and diverse a water body to be defined as a single segment for the purposes of making impairment determinations. In the case of sediments, the problem is further exacerbated by impairment determinations that are based upon localized discrete hotspots that have no impact on vast portions of the bay.	Regional Board staff agrees that the Santa Monica Bay Nearshore Zone and Offshore Zone is a very large area. However, large areas of the bay may share sediment contamination problems due to the nature of the circulation patterns within the bay (current gyres can transport contaminants over a wide area).
4.36	3	Chevron	6/11/02	It appears the Santa Monica Bay is primarily listed due to the Toxic Hot Spot sediment characterization. However, the contaminated sediment footprint identified as the study area covers only 15 square miles on the Palos Verdes Shelf. This area is 10 miles from the refinery discharge.	Santa Monica Bay is listed as impaired due to sediment data collected from several sources, including the Bay Protection and Toxic Cleanup Program, City of Los Angeles' Hyperion Treatment Plant NPDES Monitoring Program, Los Angeles County Sanitation Districts' Joint Water Pollution Control Plant NPDES Monitoring Program, State Mussel Watch monitoring program and Santa Monica Bay Restoration Project.
4.36	4	Chevron	6/11/02	If impairment decisions under section 303(d) are based upon sediment hotspots, then the Regional Board should define the areas from which the data was taken which supports the listings. Specific studies upon which listings are based should be clearly	The specific studies upon which the listings were based were referenced in the 1996 water quality assessment [Response 4.36 (3)], and are referenced as a matter of course in any water quality assessment.

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				delineated. If listings are predicted absent studies, the legal and scientific rationale should be specifically articulated.	
4.36	5	Chevron	6/11/02	The sediment contamination is largely due to historical discharges into the Bay. The relationship has not been established linking the sediment listings, beneficial uses and concentrations of listed water column contaminants. If such evidence does exist, then the Regional Board's administrative record should set forth the evidence that a TMDL is necessary to prevent further impairment or allow recovery of sediments.	Much of the sediment contamination may be due to historical discharges into the Bay, but storm-water runoff, aerial deposition, point source discharges and other sources may continue to contribute to the sediment contamination problems. A TMDL is the logical mechanism to determine the linkage between sediment contamination, impairment of beneficial uses and concentrations of listed water column contaminants, as well as to separate contributions from current sources from those due to historical discharges.
4.36	6	Chevron	6/11/02	With respect to current and future discharges to the Bay, the listing does not identify concentrations in the water column that would either exacerbate sediment contamination or impair recovery of sediments. The record should identify the concentrations at which the listed substances will stay in the water column so that they do not contribute to further sediment contamination.	The purpose of the water quality assessment is to identify water bodies not attaining water quality standards. The proper mechanism to identify concentrations in the water column that could exacerbate sediment concentrations or impair recovery of sediments is a TMDL.
4.36	7	Chevron	6/11/02	There is no evidence that imposition of TMDLs will mitigate this pre-existing sediment contamination. The sediment contamination is in large part the subject of current proceedings under	Consistent with the CWA section 303(d), Santa Monica Bay was listed because water quality conditions and beneficial uses were impaired. One of the goals in conducting a TMDL is to assess the contributions of various sources to contaminant loads. This will allow the

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				the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). CERCLA is the more appropriate statutory basis for responding to such sediment issues.	Regional Board to determine the relative contributions of historical discharges versus existing sources and develop the appropriate management actions to remedy the problem. Although historical discharges undoubtedly have contributed to the existing sediment problems, we cannot assume that there are no existing sources of contamination. CERCLA is one tool for dealing with the DDT and PCB contamination on the Palos Verdes Shelf area, but remedies adopted under this program may not address sediment contamination problems in other areas of Santa Monica Bay or problems associated with other contaminants, such as trace metals.
4.36	8	Chevron	6/11/02	Supports the WSPA comments to the Board regarding the Statewide Listing Policy and incorporates them by reference in this submittal.	See responses to WSPA comments.
4.37		Heal the Bay	6/11/02	Same comments as in letter dated 6/12/02, ID number 4.27	See responses to previous Heal the Bay letter (dated 6/12/02, ID 4.27).
4.38	1	Port of Los Angeles	6/13/02	Due to the extensive data contained in the CSTF database, we are submitting it for consideration for review of the 303(d) list of water quality limited segments.	Region 4 already used much of the data contained in the CSTF database during the current water quality assessment evaluation or during past reviews (e.g., Bay Protection and Toxic Cleanup Program monitoring data, sediment characterization studies for the Los Angeles River estuary and Ballona Creek entrance channel). We did not use Bight98 sediment chemistry data for nearshore coastal waters and coastal bays, ports, marinas and estuaries for the 2002 water quality assessment, because the final report has not been completed and the data has not been made available to the public. We do not generally rely on sediment chemistry data derived from dredging characterization

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					<p>studies to identify impairments, since any sediments with elevated contaminant concentrations usually would have been removed by the dredging activity. An exception would be in areas were repeated studies demonstrate recontamination of the site following completion of dredging (such as the Los Angeles River estuary and Ballona Creek entrance channel).</p>
4.39	1	City of Seal Beach	6/14/02	<p>Enclosed is a summary of trash volumes collected by our Public Works Department annually to support the addition of the San Gabriel Estuary as impaired for trash.</p>	<p>[State Board Policy Issue]</p> <p>Thank you for the additional data. Because the NPDES Municipal Storm Water Permit distinguishes between areas with a TMDL for trash and those without a TMDL for trash, and requires additional Best Management Practices (BMPs), in conformance with approved TMDLs, in those areas with a TMDL (Order 01-182, Permit Part 4.F.5(b)), without an approved TMDL for trash, there will not be a requirement to implement the more stringent requirements necessary to eliminate impairments due to trash. <u>Therefore, State Board now recommends that the San Gabriel River Estuary be listed as impaired due to trash.</u></p>
4.4		Las Virgenes Municipal Water District	4/26/02	<p>While it is clear that there is a relationship between macroinvertebrate densities and diversity versus sediment grain sizes and substrate embeddedness, it is not clear that this condition is unnatural or related to sediment inputs from unnatural sources. No data is provided regarding natural sediment inputs versus unnatural inputs.</p>	<p>The macroinvertebrates are indicative of sediment conditions. They do not point a finger to a specific source or whether the excess sediment is natural or man-induced, nor is it relevant to listing whether the source is natural or unnatural. In this case, the data were compared to a reference stream, Cold Creek, which is in the Malibu Creek watershed, and the data for the other streams, compared to Cold Creek, suggest the other streams are impaired due to sedimentation.</p>

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4.41		City of Calabasas		Submission of data.	Data were not evaluated as they were received after the deadline. Data previously submitted were included in the Region's assessment.
4.41	1	City of Calabasas	6/17/02	Submission of additional data.	Data were not evaluated as they were received after the June 15, 2002 deadline. Data submitted under the previous data solicitation were evaluated.

From: Melinda Becker
To: Emanuel, Melenee
Date: 9/4/02 3:24PM
Subject: Re: Region 4 303(d) Response to Comments

Melenee:

The justifications for the proposed changes are provided in Region 4's Table entitled: "Supporting Information for Public Comments Submitted to the State Water Resources Control Board," dated August 22, 2002. The page and row number are provided below for reference, along with a summary of the justification.

1. San Jose Creek R2 - pH - do not list; See p. 28, Row 1 (Station RC is actually in Reach 1 and should not be used to evaluate Reach 2)
2. San Jose Creek R2 - algae - delist; See p. 25, Row 4 (Same as above)
3. McGrath Beach - beach closures - do not list; See p. 4, Row 2, (There have been no beach closures during the last 3 years)
4. Mandalay Beach - beach closures - do not list; See p. 4, Row 1 (There have been no beach closures during the last 3 years)
5. Pico-Kenter Drain - delist; Page 3, Row 1. (Pico-Kenter is a totally enclosed, underground, storm drain and are not waters of the U.S.)
6. Ashland Ave. Drain - delist; Page 3, Row 1. (Ashland Avenue Drains is a totally enclosed, underground, storm drain and are not waters of the U.S.)

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption

***For a list of simple ways to reduce demand and cut your energy costs, see the tips at:
<http://www.swrcb.ca.gov/news/echallenge.html> ***

>>> Melenee Emanuel 09/04/02 09:01AM >>>
Hi Melinda

In this email, Renee requested changes to recommendations for some of the listings. Can you or Renee send me the reason for each of the changes to the recommendations as soon as possible?

Thanks

Melenee

Melenee Emanuel
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>>> Renee DeShazo 08/22/02 05:45PM >>>
Melene,

Attached please find supporting information for your response to comments document. Some of these responses may change once management here has reviewed them, but they are our draft responses at this point. Also, we are still re-evaluating some data for Santa Clara River Reach 8, and may not have that done until sometime next week.

Changes to Recommendations:

- San Jose Creek R2 - pH - do not list**
- San Jose Creek R2 - algae - delist**
- McGrath Beach - beach closures - do not list**
- Mandalay Beach - beach closures - do not list**
- Pico-Kenter Drain - delist**
- Ashland Ave. Drain - delist**

There are other changes particularly for Calleguas Creek due to the changes in reach definitions between 1998 and 2002, which are not summarized here but are included in the attached document.

I am on vacation starting tomorrow, so am leaving Tracy in charge as the point person for 303(d). However, I suggest you try contacting individual staff members directly with your questions when possible. Below is a list of staff involved in specific areas of our 303(d) listing process:

Tracy Vergets - Ventura River, bioassessment, sedimentation listings, assessment methodology

Michael Lyons - All tissue, sediment, sediment toxicity and benthic infauna listings

Shirley Birosik - All water column toxicity listings

Ginachi Amah - Ballona Creek, Marina del Rey, and Los Angeles River watersheds

Rod Collins - San Gabriel River and Malibu Creek watersheds

Lisa Carlson - Ventura County beaches, Calleguas Creek watershed

Elizabeth Erickson - Santa Clara River watershed

I will be back on September 5th.

Regards,
Renee

Renee DeShazo
Environmental Scientist
Los Angeles Regional Water Quality Control Board
(213) 576-6783

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CC: Bishop, Jonathan; DeShazo, Renee; Vergets, Tracy